

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

ROY LEE SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 315-079
	)	
MR. H. MILLER, Senior Correctional	)	
Officer, CCA Wheeler; MR. MAURICE	)	
COX, Senior Correctional Officer, CCA	)	
Wheeler,	)	
	)	
Defendants.	)	

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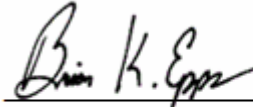
**ORDER**

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Plaintiff, an inmate presently incarcerated at Valdosta State Prison in Valdosta, Georgia, seeks to proceed *in forma pauperis* (“IFP”) in this action filed pursuant to 42 U.S.C. § 1983. On October 28, 2015, the Court recommended dismissal of this action because of Plaintiff’s status as a three-striker. (Doc. no. 3.) On November 6, 2015, Plaintiff filed a motion to amend which the Court denied as moot because Plaintiff could amend as a matter of right. (Doc. nos. 5, 7.) On December 7, 2015 Plaintiff filed an amended complaint in accordance with the Court’s November 6th Order. (Doc. no. 8.) Because Plaintiff has now filed an amended complaint, the Court **VACATES** the Report and Recommendation issued on October 28, 2015. In a companion Report and Recommendation with this Order, the Court recommends dismissal of

the amended complaint under the three-strikes provision of the Prison Litigation Reform Act.

SO ORDERED this 16th day of December, 2015, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", written over a horizontal line.

BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA